

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2702

PETITION OF RAVI C. AND SUREKHA R. KRISHNAN

OPINION OF THE BOARD

(Opinion Adopted September 19, 2007)

(Effective Date of Opinion: September 27, 2007)

Case No. S-2702 is a petition for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance, for an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on July 31, 2007, closed the record in the case on August 20, 2007, and on August 31, 2007 issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted** Subject to
Conditions Enumerated Below.

The subject property is Lot 21, Block T, Parkwood Subdivision, located at 10112 Parkwood Terrace, Bethesda, Maryland 20814 in the R-60 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on September 19, 2007. After careful consideration and review of the record in the case, on a motion by Donna L. Barron, Vice-Chair, seconded by Caryn L. Hines, with Wendell M. Holloway, Catherine G. Titus and Allison Ishihara Fultz in agreement, the Board adopts the Report and Recommendation and **grants** the special exception subject to the following conditions:

- 1, Petitioners are bound by their testimony and exhibits of record to the extent that such testimony is identified in the Hearing Examiner's Report and in the Board's Opinion.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than three persons.

3. Residents of the accessory apartment shall be limited, collectively, to a total of no more than two vehicles.
4. Petitioners shall carry out all improvements required by DHCA, including those identified in its July 26, 2007 inspection report:
 - a. The breakfast room can have no cooking facilities.
 - b. Total separation is required for the proposed second bedroom.
 - c. The laundry room must have a latchable door for total separation between the two units.
 - d. An additional smoke detector is required adjacent to the entrance to the proposed second bedroom.
5. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.
6. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.
7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 27th day of September, 2007.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.